

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: May 19, 2004

Division: Growth Management

Bulk Item: Yes No X

Department: Planning & Env. Resources

AGENDA ITEM WORDING: A public hearing for an Administrative Relief determination for Dale & Sandra Stringer for their property known as Lot 145, Port Largo, 1st Addition, Key Largo, Florida.

ITEM BACKGROUND: Staff finds that the subject lot is zoned Improved Subdivision (IS). The applicant entered into the ROGO system on April 10, 2000. Pursuant to Section 9.5-122.2(f), remedies available to an applicant include issuance of an allocation award or just compensation by the purchase of the property or such other relief as may be necessary or appropriate. Staff recommends relief in the form of an allocation award with the stipulation that the applicant obtains a nutrient reduction credit.

PREVIOUS RELEVANT BOCC ACTION: None

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A **BUDGETED:** Yes N/A No

COST TO COUNTY: N/A **SOURCE OF FUNDING:** N/A

REVENUE PRODUCING: Yes ☐ No ☒ AMOUNT PER MONTH _____ Year _____

APPROVED BY: County Atty. X OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:

Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow _____ Not Required

DISPOSITION:

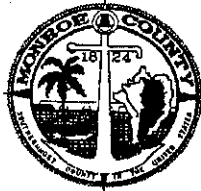
AGENDA ITEM # 060

Staff Report

County of Monroe

Growth Management Division

2798 Overseas Highway
Suite 410
Marathon, Florida 33050
Phone: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor Murray Nelson, District 5
Mayor Pro Tem David Rice, District 4
Dixie M. Spehar, District 1
George Neugent, District 2
Charles "Sonny" McCoy, District 3

To: Board of County Commissioners

From: K. Marlene Conaway, Director
Department of Planning and Environmental Resources

Date: April 27, 2004

Subject: Dale Stringer, Administrative Relief Request ~ Permit #99-3-3366

Background on Subject Property:

The subject property is zoned Improved Subdivision (IS) Land Use District and is located at Port Largo (1st addition), Lot 145, Key Largo, Real Estate Number 00452760.000000. The applicant entered the Residential Rate of Growth Ordinance (ROGO) system on April 10, 2000, after purchasing a property in January 1999 with an appraised value of \$120,399.

Permitting History:

A building permit and ROGO allocation were applied for on April 10, 2000 (Year 8, Quarter 3) under permit #99-3-3366. The application scored twelve (12) points: ten (10) points from planning; one (1) point from building (+7 for building criteria and -6 for being located in a "V" flood zone); and one (1) for biology because the subject property was determined to be scarified (Habitat Group 1) by the Upper Keys Biologist.

Currently, with the addition of three perseverance points, the property scores 15 points. At the end of the third quarter, Tuesday, April 13th, 2004, and once points are tallied, the applicant will receive an additional perseverance point for a total of 16 points. Since 2000 (Year 8, 3rd Quarter of ROGO), four (4) ROGO allocation awards have been issued to lots in the Port Largo, 1st addition subdivision. These include Permit Numbers: 00-3-2842, 00-3-4486, 00-3-3068, and 01-3-3916.

The applicant applied for administrative relief on March 23, 2004 (Year 12, Quarter 3) and is within the allowable time frame to be eligible for administrative relief under Section 9.5-122.2(f) of the Monroe County Land Development Regulations.

County of Monroe

Development Potential:

Zoning – The property is zoned Improved Subdivision (IS) which allows one single-family residential dwelling and accessory uses. As an Improved Subdivision, it has no TDR value under the current code.

Future Land Use Map (FLUM) – The FLUM indicates the property to be Residential Medium (RM) which is intended for single-family residential use.

Land Type - The subject property was determined to be scarified by the Upper Keys Biologist. The property was given a point assignment of one (1) for being in Habitat Group 1 for being in Habitat Group 1 which is defined in Section 9.5-122.3(7) and includes the following: Scarified/scarified or scarified with exotics. This is the least environmentally sensitive category of the four described in Section 9.5-122.3(7).

Neighboring Properties - The property (RE 00452750.000000) west and adjacent to the subject property is vacant land. The property (RE 00452780.0001, 00452780.000101, 00452780.000102, 00452780.000103, and 00452780.000104) east and adjacent to the subject property is developed with multi-family residences.

ROGO – The ROGO point system is designed to direct growth to protect natural resources and encourage infill to improved subdivision lots. In response to Objectives 101.5 of the Monroe County 2010 Comprehensive Plan, which directs the County to protect natural resources, Land Development Regulations (LDRs) have been adopted that score minus ROGO points for any lots in environmentally sensitive lands. The lot was not assigned any negative points, by the biologist, and was located in Habitat Group 1 which is defined in Section 9.5-122.3(7) of the Land Development Regulations.

Eligibility for Administrative Relief Options:

Section 9.5-122.2(f) of the Monroe County Land Development Regulations and Policy 101.6.1 of the 2010 Comprehensive Plan provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for administrative relief. The applicant is eligible for Administrative Relief having complied with all requirements of the dwelling unit allocation system and having been considered in at least three (3) of the last four consecutive annual allocation periods and having submitted their application for Administrative Relief no earlier than the third annual allocation period and no later than ninety (90) days following the close of the fourth annual allocation period.

Relief Options under Administrative Relief:

The remedies available to an applicant for Administrative relief pursuant to Section 9.5-122.2(f) include issuance of an allocation award or just compensation by purchase of the property or such other relief as may be necessary or appropriate.

The subject property does not meet the guidelines established under Policy 101.6.6 and Policy 102.4.2 of the Year 2010 Comprehensive Plan for the purchase of property under Administrative

County of Monroe

Relief as it does not contain any sensitive environmental features, nor is it considered significant habitat for endangered or threatened animal species.

The applicant has indicated that he does not wish to sell the property to the County as provided for under Policy 101.6.1 of the Year 2010 Comprehensive Plan.

Staff Analysis:

The Growth Management Division has reviewed the application and determined it is appropriate to offer an allocation award to this applicant. The property does not contain environmentally sensitive lands, nor did it receive any negative points in ROGO for environmental habitat. It is located within a subdivision that is substantially developed and being served by complete infrastructure facilities, and is within close proximity to established commercial areas.

The appropriate County action for this property is to grant an allocation award in the form of a building permit. The granting of an allocation award is the preferred relief option and is consistent with the policies for administrative relief under the Year 2010 Comprehensive Plan.

Recommendation:

It is recommended that the Board of County Commissioners find that the applicant has met the criteria and qualifies for Administrative Relief. It is further recommended that an order be prepared that establishes this relief. If approved, the allocation award shall be taken out of the next quarterly allocation which closes July 13, 2004 (Quarter 4, Year 12). It is further recommended that a resolution that grants the applicant an allocation award be approved subject to the following condition:

- obtain a nutrient reduction credit.

Cc: Timothy J. McGarry, AICP, Director of Growth Management
Mark Rosch, Monroe County Land Authority
Richard Collins, Esq.

Resolution

RESOLUTION NO. - 2004

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** WITH CONDITIONS THE REQUEST FOR ADMINISTRATIVE RELIEF IN THE FORM OF A RESIDENTIAL BUILDING PERMITS MADE BY DALE STRINGER ON THE LOT DESCRIBED AS LOT 145, PORT LARGO (1ST ADDITION), KEY LARGO, REAL ESTATE NUMBER 00452760.000000.

WHEREAS, Dale Stringer has submitted an application for a building permit allocation under the Residential Rate of Growth Ordinance (ROGO) in April of 2000; and

WHEREAS, the application has been in the ROGO system for at least four (4) consecutive years; and

WHEREAS, Dale Stringer has applied for administrative relief under Monroe County Code Section 9.5 122.2(f) and is within the allowable time frame to be eligible for administrative relief; and

WHEREAS, the Board of County Commissioners (BOCC) has the authority to grant administrative relief under Section 9.5 122.2 (f) in the form of granting the applicant a building allocation, offer to buy the property at fair market value, or such other relief as may be necessary and appropriate; and

WHEREAS, Policy 101.6.5 of the 2010 Comprehensive Plan provides criteria to be used for determining lands that are appropriate for acquisition and the criteria includes the environmental sensitivity of the vegetative habitat on the lot; and

WHEREAS, the subject property, located in Port Largo (1st Addition) subdivision has not received any negative biology points and therefore the lot does not meet the ranking priority criteria for acquisition;

WHEREAS, Staff finds that the subject property meets the criteria for Administrative Relief and recommends that relief in the form of a residential building permit.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the request filed by Dale Stringer for administrative relief in the form of a residential building permit is **APPROVED** subject to the following conditions:

1. The timing of the issuance of the permit shall be in accordance with the annual number of residential allocations defined by Policy 103.1.1, as amended, of the Year 2010 Comprehensive Plan and subject to concurrency as required by Section 9.5-292 of the Monroe County Code; and
2. The assignment of a nutrient reduction credit shall be required prior to issuance of the permit.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida
at a regular meeting held on the _____ day of _____ 2004

Mayor Murray Nelson
Mayor Pro Tem David P. Rice
Commissioner Dixie Spehar
Commissioner George Neugent
Commissioner Charles "Sonny" McCoy

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Murray Nelson

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK

Rogo Application

Environmental Evaluation



APPLICATION FOR
ADMINISTRATIVE RELIEF

Applicant is:

☒ Owner

☐ Authorized Representative

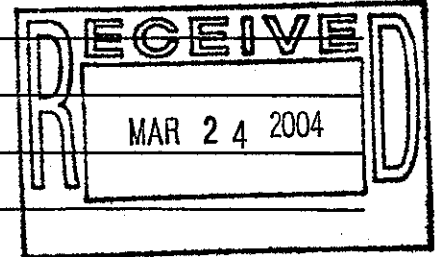
Applicant's name: Dale Stringer Phone: 451-5869

Applicant's mailing address: 405 Laguna Ave
Key Largo FL

Owner's name (if applicant is not owner): _____

Owner's address: - Same -

Phone: _____



(Please attach a statement authorizing representation of this application by someone other than yourself. The state should read:

"I, (owners's name) authorize (individual you are authorizing to represent you) to represent my property for this application for Administrative Relief."

RE#: 00452760-000000

Legal description (attach metes and bounds description if necessary): _____

BK LT 145 Port Largo Key Largo (1st addition)

Permit #: 99-3-3366

Date of most recent ROGO application: 3/16/04

What kind of administrative relief are you seeking?: has been denied
an allocation award for four successive years
in the Permit Allocation System

Additional comments: _____

NOTARY:

STATE OF FLORIDA

COUNTY OF Monroe

[Signature]
Applicant's Signature

The foregoing signature was acknowledged before me this 23 day of

March, 192004, by DALE D. Stringer

who is personally known to me ~~or who has produced~~ _____

~~as identification.~~

My commission expires:

Dianne Scroggs
Signature of Notary Public, State of Florida

OFFICIAL NOTARY SEAL
DIANNE SCROGGS
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. C004443
MY COMMISSION EXP. SEPT. 2004

FOR DEPARTMENT USE ONLY

Date of filing with Planning

Director

3/26/04 JRT

AR8/96LF

MONROE COUNTY PLANNING DEPARTMENT APPLICATION FOR RESIDENTIAL PERMIT ALLOCATION

Marathon: (305) 289-2500 Plantation Key: (305) 852-7100

Application Fee: \$100.00

PLEASE PRINT AND ATTACH A COPY OF A PROPERTY RECORD CARD. IF YOU HAVE QUESTIONS OR WISH TO MAKE AN APPOINTMENT TO DELIVER YOUR APPLICATION, PLEASE CALL THE GROWTH MANAGEMENT OFFICE CLOSEST TO YOUR PROJECT. ONCE THIS APPLICATION IS ACCEPTED AND DEEMED COMPLETE, REVISIONS WILL ONLY BE ACCEPTED IF A NEW APPLICATION IS SUBMITTED.

Owner(s) Name: DALE STRINGER Ph. (W) _____ (H) 451-5869Street Address: 405 LAGUNA AVE City: KEYHARBO State: FL Zip: 33037

Agent's Name: _____ Ph. (W) _____ (H) _____

Street Address: _____ City: _____ State: _____ Zip: _____

PROPERTY DESCRIPTION: Lot 145 Block - Subdivision PORT LAGO 1ST EDITION

Acres: 1.00 Street: MARINA AVE MM: 100 RE: 00452760-000000
Notes and bound, attach legal description on separate sheet.

NUMBER OF UNITS: Mobile Home: _____ House: X RV: _____ Live-aboard: _____ Others: _____

Check Yes or No. If yes, then attach the requested documents:

☐ Yes ☒ No The project is combining contiguous lots in a legally platted subdivision with water, electricity, and paved roads or is otherwise below density. Please attach a copy of a proposed restrictive covenant limiting the number of units on the property and running in favor of and enforceable by the County.

☐ Yes ☒ No The unit(s) will be affordable housing. Attachment required is a current affordable housing approval from the Planning Department.

☐ Yes ☒ No The proposal includes dedication of vacant, buildable land located in areas proposed for acquisition. Attachments required with this application are: 1) letter from the Biologist stating the property is dedicateable, 2) proof of ownership, 3) proposed **WARRANTY DEED(S)** (Quit Claim Deeds will not be accepted). Please list the RE: (s) of the land to be dedicated _____

I certify 1) I have read and examined this application including attachments and know same to be true and correct. 2) All provisions of laws and ordinances governing this type of work are complied with whether specified herein or not, including the provision of Local, State, or Federal requirement regulating construction or the performance of construction and 3) Time periods for County action set forth in Section 9.5-113 of the County Code are hereby waived.

Signature of Notary



CAROLYN LICAUSI
COMMISSION # CC 649185
EXPIRES MAY 20, 2001
BONDED THIRD
ATLANTIC BONDING CO.

Signature of Applicant Date

Sworn to and subscribed to before me this 10 day of April 2001 he/she is personally known to me has produced _____ as identification and who did (did not) take an oath.

TO BE COMPLETED BY STAFF- DATE: April 10, 2001 TIME: 1:20 PM PERMIT # 99-3-3366

Residential Dwelling Unit Allocation Evaluation - Summary Scoring Sheet

Applicant: STRINGER, Dale

File: 99-3-356

Date: 4/12/02

Planning Department Points

Scored By: Jim

1. (1) Platted with Infrastructure 10 Points +10
2. (2) Acreage with Infrastructure 5 Points _____
3. (3) Lot Aggregation: _____ contiguous vacant, platted, buildable lot(s) x 3 3 Pts. Ea. _____
4. (4) Acreage Density Reduction 2, 4, or 6 Points _____
5. (5) Land Dedication: _____ buildable lots/ acres x 2 2 Pts. Ea. _____
6. (6) Affordable Housing 5 Points _____
7. (10) Perseverance Points: # of full years in system 2
 - a) 1 point / year for first 4 years 1 Point +2
 - b) 2 points / year each year after 4 full years 2 Points _____
8. (13) Offshore Island Land Use District -10 Points _____
9. (15) Historic Resources:
 - a) Adversely affects, removes, or destroys -10 Points _____
 - b) Preservation 10 Points _____
10. (19) Modest Housing: to be eligible for these points must agree to 1,300 RESTRICTION
 - a) Detached infill ROGO points & is less than/= to 1,300 sq. ft. of habitable space (Restriction required; AFH applicants not eligible). 2 Points _____
 - b) Detached MODULAR dwelling unit meets the minimum windload requirement for Monroe County. 2 Points _____
 - c) Detached/Attached dwelling unit is on a non-waterfront lot. 1 Point _____
 - d) Proposed to develop attached dwelling unit that is equal to or less than 1,300 sq. ft. of habitable space. (Restriction) 3 Points _____
 - e) Attached MODULAR residential dwelling unit which meets minimum windload requirement for Monroe County. 2 Points _____
 - f) Utilizing TRE's (1 for 1 in attached dwellings) # of full TRE's _____ x 2 Points _____

Planning Department Subtotal: +12

RESCORE FOR PERSEVERANCE POINTS ONLY

NEW PLANNING TOTAL WITH 1 POINT(s) ADDED: +12

ENVIRONMENTAL RESOURCES TOTAL (UNCHANGED): +1

BUILDING DEPARTMENT TOTAL (UNCHANGED): +1

NEW TOTAL: +14

NAME STRINGER, Dale

PERMIT # 99-3-356 DATE ENTERED SYSTEM 10-APR-00

PREVIOUS SCORE +13

MONROE COUNTY PROPERTY RECORD CARD

ALTERNATE KEY: 1552411

ID: 078

Run: 4/29/2004 10:19PM Page: 1

STRINGER DALE D & SANDRA

405 LAGUNA AVENUE
KEY LARGO FL 33037

PARCEL 00452760-000000 33-61-39 NBHD 3308
ALT KEY 1552411 MILL GRP 500K PC 00
PHYSICAL ADDR:
Business Name:

UNIT:

LEGAL DESCRIPTION

BK LT 145 PORT LARGO KEY LARGO PB5-3 OR481-26 OR945-159 OR1115-2296/2297(LG) OR1181-1434/36(JMH) OR1188-1732/34(JB)
OR1277-231/32(CW) OR1277-233/34(CW) OR1363-1570(CW) OR1391-596(CW) OR1409-2398/2400(CW) OR1433-727/28(CW)
OR1557-1248(CMS) OR1557-1249Q/C(CMS) OR1557-1250Q/C(CMS) OR1557-1251(CMS) OR1557-1252(CMS) OR1557-1253/54(CMS)

LAND DATA 1.05

LINE	USE	FRONT	DEPTH	NOTES	#	UNIT	TYPE	RATE	DEPTH	LOC	SHP	PHYS	CLASS	JUST	VALUE
1	100C	75	125		9375.00	SF			1.00	1.00	1.00	1.25			

MISCELLANEOUS IMPROVEMENTS

NBR	TYPE	X	NUMBER	UNITS	TYPE	LENGTH	WIDTH	YEAR	YR	CONST	GRADE	LIFE	RCN	VALUE	DEPR	VALUE	DATE ADDED
1	SW2	1	300.00	SF	75.0	4.0	1970	1969	3	60							
2	DK3	1	300.00	SF	75.0	4.0	1970	1969	5	60							
3	DK3	1	300.00	SF	75.0	4.0	1970	1969	4	60							
4	RW2	1	225.00	SF	75.0	3.0	1970	1969	3	50							
5	CL2	1	2,700.00	SF	270.0	10.0	1974	1973	1	30							
6	CL2	1	944.00	SF	236.0	4.0	1974	1973	1	30							
7	AP2	1	7,500.00	SF	0.0	0.0	1974	1973	3	25							

BUILDING PERMITS

LINE	BLDG	NUMBER	ISSUE	COMPLETE	AMOUNT	DESCRIPTION
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HISTORY OF TAXABLE VALUES

TAX YEAR	VM	JUST	LAND	CLASS	LND	BLDG	MISC/EQIP	JUSTVALUE	ASSDVALUE	EXEMPT	TAX	VALUE
11/01/1982	1	32373	0	0	0	6396	38769	0	0	0	38769	
11/01/1983	1	32373	0	0	0	10307	42680	0	0	0	42680	
11/01/1984	1	46875	0	0	0	9908	56783	0	0	0	56783	
11/01/1985	1	46875	0	0	0	9425	56300	0	0	0	56300	
11/01/1986	1	56250	0	0	0	8977	65227	0	0	0	65227	
11/01/1987	1	60938	0	0	0	8805	69743	0	0	0	69743	
11/01/1988	1	60938	0	0	0	8317	69255	0	0	0	69255	
11/01/1989	1	60938	0	0	0	10527	71465	0	0	0	71465	
11/01/1990	1	76172	0	0	0	10350	86522	0	0	0	86522	
11/01/1991	1	87891	0	0	0	10075	97966	0	0	0	97966	
11/01/1992	1	90820	0	0	0	9835	100655	0	0	0	100655	
11/01/1993	1	99609	0	0	0	9762	109371	0	0	0	109371	
11/01/1994	1	102539	0	0	0	9625	112164	0	0	0	112164	
11/01/1995	1	108398	0	0	0	9489	117887	0	0	0	117887	
11/01/1996	1	108398	0	0	0	9417	117815	0	0	0	117815	
11/01/1997	1	108398	0	0	0	9280	117678	0	0	0	117678	
11/01/1998	1	108398	0	0	0	9145	117543	0	0	0	117543	
11/01/1999	1	111328	0	0	0	9071	120399	0	0	0	120399	
11/01/2000	1	123047	0	0	0	8935	131982	0	0	0	131982	
11/01/2001	1	158203	0	0	0	32580	190783	0	0	0	190783	
11/01/2002	1	169922	0	0	0	32403	202325	0	0	0	202325	
11/01/2003	1	169922	0	0	0	32049	201971	0	0	0	201971	

SALES HISTORY

O.R.	O.R.	SALE	INSTRUMENT	TRAN	QUAL	VAC	SALE	APPR	CHG
BOOK	PAGE	DATE		CODE	UNQUAL	IMPR	PRICE	VALUE	DATE
1557	1248	1/14/1999	WD WARRANTY D0	U	unexplain I		210,000	120,399	1/24/2000
1409	2398	6/01/1996	WD WARRANTY D0	M	multiple I		1	0	/ /
1277	0231	10/01/1993	WD WARRANTY D4	M	multiple I		1	0	/ /
481	26	2/01/1971	CONVERSION	O	qualified I		7,000	0	/ /